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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,950	01/14/2004	Damon A. Barr	3584	5059

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EXAMINER

RUSSELL, CHRISTINA MARIE

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/757,950

Applicant(s)

BARR, DAMON A.

Examiner

Christina Russell

Art Unit

2837

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11-12-04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5-8, 12, 16, 19-20, and 23-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims refer to a human grounding point with no specifics as what the applicant means by said human grounding point.
3. Due to indefinite meaning, no prior art rejections will be made on these claims at this time.
4. Also, claims 6, 8, 11, and 16 make mention of said human grounding point in regard to the independent claims on which they are dependent, while said human grounding point is not mentioned or introduced in the independent claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 9-11, 13-14, 17-18, 21-22 and 25-26 are rejected under 35.

U.S.C. 102(b) as being anticipated by the US patent to Jordan (5,191,159).

7. In terms of claim 1 Jordan shows, in figure 1, an audio interface device, or pickup device, attached to the body of the string instrument, which the bridge and chinrest of the instrument are also attached. Jordan also teaches a control for volume and sensitivity inputted from said device (46) (see column 1, lines 27-34 and column 4, lines 29-32) and an output jack (62) (see column 4, lines 35-39).

8. As for claim 2, Jordan teaches the said audio interface or pickup device comprises a piezoelectric transducer (see column 3, lines 8-15).

9. As for claim 3, Jordan teaches the control of the volume and sensitivity comprise of both a potentiometer and a control knob.

10. Claim 9 and 10 teach the use of a second interface device and second set of controls, where said second device is a microphone. Jordan teaches this in column 6 lines 46-49, when he remarks on the use of multiple pickup devices, one such device being a magnetic pickup device, or microphone.

11. In terms of claim 11 Jordan again shows, in figure 1, an audio interface device attached to the body of the stringed instrument, on which the bridge, chinrest and tailpiece (32) are also attached. Jordan again teaches the volume and sensitivity control and output jack.

12. As for claim 13 and 14, Jordan again teaches the audio interface device as a piezoelectric transducer and the volume and sensitivity control as a potentiometer and knob.

13. As for claims 17 and 18, as in 9 and 10, Jordan teaches the use of multiple audio interface or pickup devices, one such being a magnetic pickup device, or microphone.

14. As for claims 19 and 20, without interpreting the said human grounding point, both these claims and their dependent claims can be rejected under Jordan using the same logic used to reject the previous claims.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jordan. The subject matter of base claim 1 is found in Jordan as described previously. But Jordan fails to teach a non-circular control knob. Official notice is taken that non-circular control knobs are known. One of ordinary skill in the art at the time of the invention would have known to make the knob of Jordan non-circular for human ease of use.

Conclusion


17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patent application publication to Murakami et al. (US 6,288,320,B1) and Us patents to Yamada (5,945,622) and Steinberger (6,018,120).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina Russell whose telephone number is 571-272-4350. The examiner can normally be reached on Mon-Fri, 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CR
8/4/05


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